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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/652,376 08/31/00 SINHA

A U 012930

000140

HM12/0815

EXAMINER

LADAS & PARRY
26 WEST 61ST STREET
NEW YORK NY 10023

KEYS, R

ART UNIT

PAPER NUMBER

1621

DATE MAILED:

08/15/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.

09/652,376

Applicant(s)

SINHA, ARUN KUMAR

Examiner

Rosalynd Keys

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☐ Claim(s) ____ is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☒ Claim(s) 1-12 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s) ____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____ 6) ☐ Other: _____

DETAILED ACTION

Election/Restrictions

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
 - I. Claims 1-7, drawn to a process for the preparation of 1-Propyl-2, 4, 5-trimethoxybenzene, classified in class 568, subclass 648.
 - II. Claim 8, drawn to use of reduced calamus oil in toiletry soap, shaving cream and tobacco products, classified in class 510, subclass 108; class 424, subclass 73; and class 131, subclass 274.
 - III. Claim 9, drawn to use of 1-Propyl-2, 4, 5-trimethoxybenzene as a multipurpose additive in mouthwash, tooth paste, antiseptic soap products, chewing gum flavor and in spicy products, classified in class 424, subclass 49; class 510, subclass 131; class 426, subclass 534; and class 426, subclass 638.
 - IV. Claims 10 and 12, drawn to use of 1-Propyl-2, 4, 5-trimethoxybenzene as an inexpensive and simple starting material for the preparation of 3-propyl-5,6-dimethoxysalicylamide based antipsychotic drug 5,6-dimethoxy-N-[(1-ethyl-2-pyrrolidinyl) methyl]-3-propylsalicylamide and a process for the preparation of 5,6-dimethoxy-N-[(1-ethyl-2-pyrrolidinyl) methyl]-3-propylsalicylamide from 1-Propyl-2,4,5-trimethoxybenzene, classified in class 548, subclass 549.
 - V. Claim 11, drawn to use of 1-Propyl-2,4,5-trimethoxybenzene to obtain products for use as flavor, in perfumery industries and as starting material for various important drugs and for new organic compounds by bromination, oxidation, reduction, coupling reaction, allylic hydroxylation, dimerization, formylation, Grignard reaction, oxymercuration-demercuration, demethylation, alkylation and epoxidation, classified in class 426, subclass 534; and class 512, subclass 20.

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The inventions are distinct, each from the other because of the following reasons:

Inventions I and II are unrelated. Inventions are unrelated if it can be shown that they are not disclosed as capable of use together and they have different modes of operation, different functions, or different effects (MPEP § 806.04, MPEP § 808.01). In the instant case the different inventions are not disclosed as capable of use together and they have different functions.

Inventions I, III, IV and V are related as process of making and process of using a product. Since the product is not novel and unobvious, restriction is proper between said method of making and method of using.

Inventions III, IV and V are unrelated. Inventions are unrelated if it can be shown that they are not disclosed as capable of use together and they have different modes of operation, different functions, or different effects (MPEP § 806.04, MPEP § 808.01). In the instant case the different inventions they are not disclosed as capable of use together and they have different functions.

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art because of their recognized divergent subject matter, restriction for examination purposes as indicated is proper.

A telephone call was made to Janet Cord on August 6, 2001 to request an oral election to the above restriction requirement, but did not result in an election being made.

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

2. Any inquiry concerning this communication or earlier communications from the

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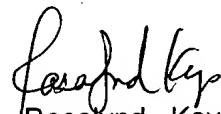
examiner should be directed to Rosalynd Keys whose telephone number is 703-308-4633. The examiner can normally be reached on M-F 5:30 a.m.-10:30 a.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Johann Richter can be reached on 703-308-4532. The fax phone numbers for the organization where this application or proceeding is assigned are 703-308-4556 for regular communications and 703-308-4556 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1235.



R. Keys
August 15, 2001



Rosalynd Keys
Primary Examiner
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